REMARKS

The Examiner has rejected claims 1-4 and 8-10 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims have been amended to remove the ring-forming requirements and to more particularly claim the applicant's invention. These amendments are intended to respond to the Examiner's 112 rejection.

Claim 1 has also been rejected under Section 112, first paragraph, because the "due to the unpredictability in the pharmaceutical art, it is noted that each embodiment of the invention is required to be individually assessed for physiological activity by in vitro and in vivo screening to determine which compounds exhibit the desired pharmacological activity and which diseases would benefit from this activity." The Examiner also appears to include a similar rejection for claim 1-4 and 8-10, by indicating that not all of the claimed variations have not been tested using in vitro assays. Applicant cannot find any case law or support in the MPEP to confirm the Examiner's statement. Instead, MPEP Section 2164.02 indicates that compliance with the enablement requirement of Section 112, first paragraph does not turn on whether an example is disclosed. "A single working example in the specification for a claimed invention is enough to preclude a rejection which states that nothing is enabled, since at least one embodiment would be enabled." Further, "to make a valid rejection, one must evaluate all the facts and evidence and state why one would not expect to be able to extrapolate that one example across the entire scope of the claims." MPEP Section 2164.02. The Examiner's reasons that "[a]pplianct provides limited guidance regarding the use of multiple compounds to treat these conditions" and "applicant provides information on biological activity on page 18-25" does not adequately evaluate the reasons why the examiner cannot make the above-described extrapolation.

Finally, MPEP Section 2164.02 states that "proof of enablement will be required for other members of the claimed genus only where adequate reasons are advanced by the examiner to establish that a person skilled in the art could not use the genus as a whole without undue experimentation." The Examiner's conclusory statements do not meet the Examiner's burden of adequate reasons.

The Examiner appears to indicate that a claim would be allowable if it was directed to the administration of one compound. New claim 12 is directed to administration of one compound.

The Examiner has also rejected claim 1 under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the

elements. This has been corrected by the deletion of the furanose-type carbohydrate language from claim 1.

Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-4 and 8-10 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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